

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

SUSAN E. GUNSALLUS,

Plaintiff,

v.

UNIVERSITY OF PITTSBURGH
MEDICAL CENTER,

Defendant.

No. 4:21-CV-00368

(Chief Judge Brann)

ORDER

AND NOW, this 4th day of January 2022, in accordance with the accompanying Memorandum Opinion, **IT IS HEREBY ORDERED** that:

1. Defendant's motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6) (Doc. 5) is **DENIED IN PART AND GRANTED IN PART**, as follows:
 - a. **DENIED** as to Plaintiff's employment discrimination and retaliation claims in Counts I, II, III, IV, and V.
 - b. **GRANTED WITH PREJUDICE** as to Plaintiff's constitutional claims in Count V.
2. Defendant shall file an Answer to the surviving claims in Plaintiff's Complaint (Doc. 1) on or before January 25, 2022.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann
Chief United States District Judge